

Amendments to the Drawings

Please replace drawings pages Incorporating FIGS 1 - 8 with the attached replacement drawing sheets.

The following changes have been made:

- (1) FIG 7a – reference number 702 was added pointing to the circular abrasive surface; and
- (2) FIG 7a – reference numeral A was added pointing to the axis about which abrasive member 701 rotationally oscillates.

REMARKS

This Amendment is made in response to the Office Action mailed March 17, 2006.

CLAIMS

Claims 27-54 are pending in the present application. Claims 31-34, 41, 45, and 48, 50, and 53 are cancelled. Claims 27, 37, 42-43, 47, and 51 are amended.

DRAWINGS

The drawings were objected to because "the lines, numbers, and letters are clean and uniformly thick and well-defined." Applicant assumes the Examiner means the lines, numbers and letters are NOT clean and uniformly thick and well-defined. Applicant submits formalized drawings herewith which address the objection.

CLAIM REJECTIONS

Rejections under 35 USC 112

Claims 34, 50, 53 were rejected under 35 USC 112, first paragraph, as failing to comply with enablement requirements. These claims have been canceled without prejudice to prosecution in a separate application.

Rejections under 35 USC 102

Claims 37, 39, and 51 were rejected under 35 USC 102(b) as being anticipated by Grahame.

Rejections under 35 USC 103

Claims 27, 28, 30, 35 38, 42, 43, 44, 46, 47, 49 and 54 are rejected under 35 USC 103(a) as being unpatentable over Grahame in view of Ouchi. Claim 36 was rejected under 35 USC 103(a) as being unpatentable over Grahame in view of Ouchi and further in view of Daley. Claims 40 and 52 were rejected under 35 USC 103(a) as being unpatentable over Grahame.

Response to Claim Rejections

Grahame discloses a cuticle trimming device having a crescent-shaped abrasive element with a rectangular, curved face which oscillates in a pendulum-like action so as to trim the cuticle, the tissue at the base of the nail. Grahame fails to teach a device suitable for trimming the nail itself as claimed in the present invention. The convex curvature of the surface of Grahame's abrasive element, its extremely narrow width, as well as its oscillation about an axis parallel to the surface of the abrasive element, make the device unsuitable for trimming the tip of the nail as opposed to the cuticle. Such a device could not maintain its purchase on the narrow nail tip sufficiently to effectively trim it without slipping off continually. Nowhere does Grahame disclose or suggest that the device could be used for trimming nails, and in fact distinguishes his device from those adapted for trimming nails: "While the above discussed prior art patents are directed to manicuring by power operated mechanical means, their main thrust is directed to the power operated mechanical filing of fingernails. None of the discussed devices is directed to the manicuring of cuticles per se..." (col. 1, lines 54-56).

In order to even more clearly distinguish the claimed invention from the teaching of Grahame, Applicant has amended Independent claims 27, 37, 42, 43, 47, and 51 to recite that the movable head rotationally oscillates through a fixed arc about an axis. Further, the claims are amended to recite that the abrasive surface, which is coupled to the movable head

and oscillates with it, is coupled to the movable head such that the axis passes through the abrasive surface. Support for this limitation is found clearly in Fig. 7 and accompanying description in the specification, which describe fixed arc 707 through which circular head 701 oscillates. Fig. 7 shows the arc 707 defining an axis (from which dotted radius lines radiate outwardly) about which head 701 rotationally oscillates. This axis clearly passes through the abrasive surface of the head 701. While Applicant believes this is unambiguously shown in the drawings, the specification has been amended to provide written support as well. Applicant submits no new matter has been added.

This feature of the present Invention—the rotation of the head about an axis passing through its abrasive surface—allows the abrasive surface to rotate about an axis orthogonal to its broad trimming surface, thus providing a larger oscillating area on which the nail may be positioned and allowing a higher speed of oscillation than is feasible with the pendulum-like motion of Grahame. Grahame fails to disclose or suggest such an arrangement. In Grahame, the arc through which Grahame's abrasive element oscillates has its center somewhere along the vibrating stem 42 well away from the curved face of the abrasive element. Moreover, Grahame's device would be inoperable for its intended purpose, the trimming of the cuticle, if it oscillated through an arc about an axis passing through the abrasive face of the element as in the present invention. This would mean that the curved, rectangular element would spin about the longitudinal axis of vibrating stem 42 in a propeller-like manner, could not be positioned along the cuticle in order to trim it and would risk injury to the finger tissue adjacent to the cuticle and nail.

In view of the foregoing, Independent claims 27, 37, 42, 43, 47, and 51 are patentable over Grahame. Dependent claims 28, 30, 35-36, 38-40, 44, 46, 49, 52 and 54 are patentable as being dependent from claims 27, 37, 42, 43, 47 and 51, respectively.

Claims 28, 38, 47, and 54 have been further amended to recite that the shock absorbing member comprises "a resilient, conforming layer of resilient material sandwiched between the movable head and the abrasive surface." Support for this amendment is found in the specification at e.g. paragraph 9, last sentence, paragraph 25 and Fig. 6. The Examiner cites Ouchi as disclosing a shock absorbing member "in the form of a pair of springs to create a resilient filling surface." Ouchi, however, fails to disclose or suggest a shock absorbing member comprising a "resilient, conforming layer of resilient material sandwiched between the movable head and the abrasive surface," as now claimed. Such a structure provides a shock absorbing structure that is coextensive with the entire area of the abrasive surface, thus allowing the abrasive surface itself to be compliant and flexible and providing uniform support and resiliency throughout the entire surface. Ouchi's springs are not a "conforming layer", but instead are discrete, wire-like structures that engage the abrasive surface and the underlying head at only a single point or line at each end of each spring. Such discrete structures do not provide conformance over a broad area as with a "conforming layer." Ouchi's springs require the abrasive surface to be substantially rigid in order to direct any forces exerted on the abrasive surface to the springs and prevent the surface from collapsing between the springs. This would not provide nearly the level of conformability that is provided by the present invention. Ouchi therefore fails to teach a shock absorbing member that is a "conforming layer of resilient material sandwiched between the movable head and the abrasive surface," as now claimed in claims 28, 38, 47, and 54. Claims 28, 38, 47 and 54 are thus patentable over Grahame in view of Ouchi.

Applicant submits that this application is in a form for allowance, and prompt action to that end is respectfully requested.

A return receipt postcard is enclosed. If the Examiner has any questions, please free feel to contact the undersigned at 312-521-2775.

Respectfully submitted,

By:



Adam K Sacharoff
Registration No. 43,075
(312) 521-2775

Date: 8-16-2006